

and others, in making its final recommendations to BPA of projects to be funded through BPA's annual fish and wildlife budget. If the council does not follow the advice of the panel, it is to explain in writing the basis for its decision.

Mr. President, an important part of my amendment requires the council to consider the impacts of ocean conditions in making its recommendations to BPA to fund projects. Ocean conditions include, but are not limited to, such considerations as El Nino and other conditions that impact fish and wildlife populations. My amendment also directs the council to determine whether project recommendations employ cost effective measures to achieve its objectives. I want to make an important point here, Mr. President, the bill language expressly states that the council, after review of panel and other recommendations, has the authority to make final recommendations to BPA on project(s) to be funded through BPA's annual fish and wildlife budget. This language was included to clear up any confusion as to the council's authority to make final recommendations to BPA on projects to be funded through its annual fish and wildlife budget.

The amendment goes into effect upon the date of enactment, and it is intended that the provision be used to start the planning process for the expenditure of BPA's fiscal year 1998 fish and wildlife budget. This provision will expire on September 30, 2000.

Mr. President, in closing, I would like to thank Senator HATFIELD and Senator MURRAY, and the Northwest Power Planning Council for their input in the development of the amendment. I believe that the final language, as it appears in the fiscal year 1997 energy and water conference report, reflects a bipartisan effort to make sure that BPA ratepayer dollars are spend wisely.

I believe that my amendment is the first step to restoring accountability in the decisionmaking process for the expenditure of BPA ratepayer dollars for fish and wildlife purposes. I look forward to working, on a bipartisan basis, with my Northwest colleagues to rewrite the Northwest Power Act during the next Congress to ensure that Northwest ratepayer dollars are spent effectively for fish and wildlife, and that the people of the Northwest are given a greater role in the decision-making process.

Mr. DOMENICI. Mr. President, I understand Senator LEVIN does not need his time. In his behalf, I yield back his time. Mr. President, I understand Senator JOHNSTON will yield back his time. In that he is in another hearing, I yield back his time in his behalf.

The PRESIDING OFFICER. All time except the time of the Senator from New Mexico has been yielded back. The Senator from New Mexico retains 14 minutes.

Mr. DOMENICI. Mr. President, I ask the distinguished Senator from Penn-

sylvania how much time does he desire?

Mr. SPECTER. Mr. President, I thank my colleague from New Mexico. I would appreciate 10 minutes.

Mr. DOMENICI. Mr. President, at the suggestion of the majority leader, I yield back all time on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for morning business until the hour of 11 a.m., with Senators to speak for up to 5 minutes each. If they need additional time, they can seek time from the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent I may speak in morning business for a period of up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Then, Mr. President, I further ask unanimous consent I may be recognized to comment on the intelligence authorization report.

The PRESIDING OFFICER. Without objection, it is so ordered.

USE OF FORCE AGAINST IRAQ

Mr. SPECTER. Mr. President, I have come to the floor immediately after attending a meeting with President Clinton, the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and Members of both Houses from both parties on the subject of Iraq. I would like to comment about an issue which I raised specifically with the President, and that is my urging him to submit to the Congress of the United States the issue as to whether there should be force used against Iraq in the gulf.

In time of crisis there is no question, under our Constitution, that the President as Commander in Chief has the authority to take emergency action. Similarly, it is plain that the Congress of the United States has the sole authority to declare a war, and that involves the use of force, as in the gulf operation in 1991, which was really a war, where the President came to the Congress of the United States in January 1991, and on this floor this body debated that issue and, by a relatively narrow vote of 52 to 47, authorized the use of force. It is my strong view that the issue of the use of force in Iraq today ought to be decided by the Congress of the United States and not unilaterally by the President where there is no pending emergency and when there is time for due deliberation in accordance with our constitutional procedures.

I note when the first missile attacks were launched 2 weeks ago today, on September 3, the President did not con-

sult in advance with the Congress, which I believe was necessary under the War Powers Act. That is water over the dam. At the meeting this morning there were comments from Members of Congress about the need for more consultation. I believe the session this morning was the first time that there had been a group of Members of the House and Senate assembled to be briefed by the administration, by the President, and by the Secretary of State and Secretary of Defense.

We know from the bitter experience of the Vietnam war that the United States cannot engage in military action of a protracted nature without public support, and the first place to seek the public support is in the Congress of the United States in our representative capacity. It is more than something which is desirable; it is something which is mandated by the constitutional provision that grants exclusive authority to the Congress of the United States to declare war. We have seen a transition as to what constitutes a war—in Korea, where there was no declaration of war by the Congress, in Vietnam, where there was no declaration of war by the Congress. And we have seen the adoption of the War Powers Act as an effort to strike a balance between congressional authority to declare war and the President's authority as Commander in Chief; and, as provided under the War Powers Act, where there are imminent hostilities, the President is required to consult in advance with the Congress and to make prompt reports to the Congress, although the President does have the authority to act in case of emergency.

My legal judgment is that the President does have authority as Commander in Chief to act in an emergency, even in the absence of the War Powers Act. But when there is time for action by the Congress of the United States, then that action ought to be taken by the Congress on the use of force, which is tantamount to war, which we saw in the gulf in 1991 where the Congress did act. And we may see—we all hope we do not see it—but we may see that in Iraq at the present time.

The Congress is soon to go out of session in advance of the November elections. While we are here, this issue ought to be considered by the Congress of the United States as to whether we are going to have the use of force.

In the meeting this morning, attended by many Members of the House and Senate, both Democrats and Republicans, there was considerable question raised on both sides of the aisle as to what our policy is at the present time, whether we have a coherent policy as to what we are going to do there, not only how we get in but how we get out, and what our policy ought to be.

Those policy issues are really matters which ought to be debated by the Congress of the United States and acted upon by the Congress of the United States.